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General Docket

US Court of Appeals for the Sixth Circuit

Court of Appeals Docket #: 01-4254
Nsuit: 3791 Labor: E.R.I.S.A.
Husvar, et al v. Rapoport, et al
Appeal from: Southern District of Ohio at Cincinnati

Filed: 11/29/01

Case type information:

- 1) Civil
 - 2) private
 - 3) federal question
-

Lower court information:

District: 0648-1 : 01-00430
Trial Judge: Sandra S. Beckwith, District Judge
Date Filed: 6/27/01
Date order/judgment: 11/7/01
Date NOA filed: 11/27/01

Fee status: paid

Prior cases:

None

Current cases:

None

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JAMES R. HUSVAR
Plaintiff - Appellant

Richard S. Wayne
FTS 629-9426
513-621-2120
[COR ret]
Strauss & Troy
150 E. Fourth Street
Federal Reserve Building
Cincinnati, OH 45202-4018

Robert A. Steinberg
FTS 381-2375
513-621-0267
[COR LD NTC ret]
Waite, Schneider, Bayless &
Chesley
1 W. Fourth Street
Suite 1513 Fourth & Vine Tower
Cincinnati, OH 45202

SIDNEY B. GUTZWILLER
Plaintiff - Appellant

Richard S. Wayne
(See above)

[COR ret]

Robert A. Steinberg
(See above)
[COR LD NTC ret]

ROBERT V. CARUSO
Plaintiff - Appellant

Richard S. Wayne
(See above)
[COR ret]

Robert A. Steinberg
(See above)
[COR LD NTC ret]

RONALD W. BARNETT
Plaintiff - Appellant

Richard S. Wayne
(See above)
[COR ret]

Robert A. Steinberg
(See above)
[COR LD NTC ret]

v.

MICHEL RAPOPORT
Defendant - Appellee

Marcus R. Mumford
FTS 777-2560
212-735-2560
[COR ret]
Skadden, Arps, Slate, Meagher &
Flom, LLP
1440 New York Avenue, N.W.
Washington, DC 20005-2107

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James C. Sheil
FTS 777-2735
212-735-2735
[COR ret]
Susan L. Saltzstein
FTS 777-4132
212-735-4132
[COR ret]
Robert E. Zimet
FTS 777-2520
212-735-2520
[COR LD NTC ret]
Skadden, Arps, Slate, Meagher &
Flom, LLP
4 Times Square
New York, NY 10036-6522
Fax Area Code (917)

Richard L. Creighton, Jr.
513-579-6513
[ret]
Keating, Muething & Klekamp
1 E. Fourth Street

Suite 1400 Provident Tower
Cincinnati, OH 45202

Warren J. Sefton
FTS 579-6457
513-579-6537
[COR ret]
Keating Muething & Klekamp
One East Fourth Street
Suite 1400
Cincinnati, OH 45202

WILLIAM A. MARQUARD
Defendant - Appellee

Marcus R. Mumford
(See above)
[COR ret]

James C. Sheil
(See above)
[COR ret]
Susan L. Saltzstein
(See above)
[COR ret]
Robert E. Zimet
(See above)
[COR LD NTC ret]

Richard L. Creighton, Jr.
(See above)
[ret]

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Warren J. Sefton
(See above)
[COR ret]

THOMAS R. WALL, IV
Defendant - Appellee

Marcus R. Mumford
(See above)
[COR ret]

James C. Sheil
(See above)
[COR ret]
Susan L. Saltzstein
(See above)
[COR ret]
Robert E. Zimet
(See above)
[COR LD NTC ret]

Richard L. Creighton, Jr.
(See above)
[ret]

Warren J. Sefton
(See above)
[COR ret]

ROBERT A. YOUNG, III
Defendant - Appellee

Marcus R. Mumford
(See above)
[COR ret]

James C. Sheil
(See above)
[COR ret]
Susan L. Saltzstein
(See above)
[COR ret]
Robert E. Zimet
(See above)
[COR LD NTC ret]

Richard L. Creighton, Jr.
(See above)
[ret]

Warren J. Sefton
(See above)
[COR ret]

MOSLER, INC.
Defendant

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JAMES R. HUSVAR; SIDNEY B. GUTZWILLER; ROBERT V. CARUSO;
RONALD W. BARNETT, individually and as the representative of
the plaintiff class

Plaintiffs - Appellants

v.

MICHEL RAPOPORT; WILLIAM A. MARQUARD; THOMAS R. WALL, IV;
ROBERT A. YOUNG, III;

Defendants - Appellees

MOSLER, INC.

Defendant

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11/29/01

Civil Case Docketed. Notice filed by Appellant James R.
Husvar, Appellant Sidney B. Gutzwiller, Appellant Robert V.
Caruso, Appellant Ronald W. Barnett. Transcript needed: n
☐ (cf)

11/29/01 BRIEFING LETTER SENT setting briefing schedule: appellant brief due 1/8/02 ; appellee brief due 2/7/02 ; appendix due 2/28/02 ; final appellant brief due 3/21/02 . [01-4254] final appellee brief due 3/21/02 ; . (cf)

12/4/01 Mediation Office is involved in this appeal. [01-4254] (trm)

12/4/01 Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 1/18/02 ; appellee brief due 2/19/02; reply due 3/5/02; joint appendix due 3/12/02; all finals due 4/2/02. [01-4254] (trm)

12/10/01 APPEARANCE filed by Attorney Marcus R. Mumford for Appellee Robert A. Young, Appellee Thomas R. Wall, Appellee William A. Marquard, Appellee Michel Rapoport [01-4254] (cf)

12/10/01 APPEARANCE filed by Attorney James C. Sheil for Appellee Robert A. Young, Appellee Thomas R. Wall, Appellee William A. Marquard, Appellee Michel Rapoport [01-4254] (cf)

12/10/01 APPEARANCE filed by Attorney Susan L. Saltzstein for Appellee Robert A. Young, Appellee Thomas R. Wall, Appellee William A. Marquard, Appellee Michel Rapoport [01-4254] (cf)

12/10/01 APPEARANCE filed by Attorney Robert E. Zimet for Appellee Robert A. Young, Appellee Thomas R. Wall, Appellee William A. Marquard, Appellee Michel Rapoport [01-4254] (cf)

12/13/01 APPEARANCE filed by Attorney Richard S. Wayne for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R. Husvar [01-4254] (cf)

12/13/01 APPEARANCE filed by Attorney Robert A. Steinberg for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R. Husvar [01-4254] (cf)

12/13/01 PRE-ARGUMENT STATEMENT filed by Robert A. Steinberg for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R. Husvar [01-4254] (cf)

12/13/01 TRANSCRIPT ORDER FORM filed by Robert A. Steinberg for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R. Husvar: No hearings held in District Court. [01-4254] [2472054-1] (blh)

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1/7/02 Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 1/28/02 ; appellee brief now due 2/27/02 ; reply brief now due 3/13/02; appendix now due 3/20/02 ; all final briefs now due 4/10/02. [01-4254] . (wjrr)

1/28/02 PROOF BRIEF filed by Richard S. Wayne for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R. Husvar, Robert A. Steinberg for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R. Husvar. Certificate of service date 1/28/02 Number of Pages: 39. [01-4254] ☐ (vf)

1/28/02 Request to require oral argument filed by Robert A. Steinberg for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R. Husvar [01-4254] (vf)

1/31/02 Briefing Letter Sent by CONFERENCE ATTORNEY'S OFFICE resetting briefing schedule: appellant brief now due 2/25/02 ; appellee brief now due 3/27/02 ; reply brief now due 4/10/02; appendix now due 4/17/02 ; all final briefs now due 5/8/02. [01-4254] . (wjrr)

2/11/02 Mediation Office is no longer involved in this appeal at this time. (lmn)

3/28/02 PROOF BRIEF filed by Susan L. Saltzstein for Appellee Robert A. Young, Appellee Thomas R. Wall, Appellee William A. Marquard, Appellee Michel Rapoport, Robert E. Zimet for Appellee Robert A. Young, Appellee Thomas R. Wall, Appellee William A. Marquard, Appellee Michel Rapoport. Certificate of service date 3/27/02 . Number of Pages: 40. [01-4254] ☐ (vf)

3/28/02 Request to require oral argument filed by Robert E. Zimet for Appellee Robert A. Young, Appellee Thomas R. Wall, Appellee William A. Marquard, Appellee Michel Rapoport [01-4254] (vf)

4/10/02 PROOF REPLY BRIEF filed by Richard S. Wayne for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R. Husvar, Robert A. Steinberg for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R. Husvar. Certificate of service date 4/10/02. Final reply brief due 5/8/02 . [01-4254] (vf)

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4/16/02 APPENDIX filed by Richard S. Wayne for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R. Husvar, Robert A. Steinberg for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R. Husvar. Copies: 5 (Vol 1-3). Certificate of service date 4/16/02 [01-4254] (vf)

5/7/02 FINAL BRIEF filed by Richard S. Wayne for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R. Husvar, Robert A. Steinberg for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R.

Husvar. Copies: 7. Certificate of service date 5/7/02
Number of Pages: 39. [01-4254] (vf)

5/7/02 Request to require oral argument filed by Robert A. Steinberg for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R. Husvar [01-4254] (vf)

5/7/02 FINAL REPLY BRIEF filed by Richard S. Wayne for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R. Husvar, Robert A. Steinberg for Appellant Ronald W. Barnett, Appellant Robert V. Caruso, Appellant Sidney B. Gutzwiller, Appellant James R. Husvar. Copies: 7 Certificate of service date 5/7/02 Number of Pages: 5/7/02. [01-4254] (vf)

5/9/02 FINAL BRIEF filed by Susan L. Saltzstein for Appellee Robert A. Young, Appellee Thomas R. Wall, Appellee William A. Marquard, Appellee Michel Rapoport, Robert E. Zimet for Appellee Robert A. Young, Appellee Thomas R. Wall, Appellee William A. Marquard, Appellee Michel Rapoport. . Certificate of service date 5/8/02 . Number of Pages: 40. [01-4254] (vf)

5/9/02 Request to require oral argument filed by Susan L. Saltzstein for Appellee Robert A. Young, Appellee Thomas R. Wall, Appellee William A. Marquard, Appellee Michel Rapoport [01-4254] (vf)

3/13/03 Oral argument date set for May 7, 2003 in court room 403. Notice of argument sent to counsel. [01-4254] (rld)

4/30/03 NOTIFICATION filed by Robert A. Steinberg for Appellants to take notice of disclosure statement filed in Mosler Bankruptcy case Certificate of service date 4/30/03 [01-4254] (bb)

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5/7/03 CAUSE ARGUED on 5/7/03 by Robert A. Steinberg for Appellant James R. Husvar, Appellant Sidney B. Gutzwiller, Appellant Robert V. Caruso, Appellant Ronald W. Barnett, Robert E. Zimet for Appellee Michel Rapoport, Appellee William A. Marquard, Appellee Thomas R. Wall, Appellee Robert A. Young before Judges Guy, Boggs, Daughtrey. [01-4254] (me)

7/23/03 OPINION filed : VACATED and remanded [01-4254], decision for publication pursuant to local rule 206 [01-4254] . Ralph B. Guy, Circuit Judge, Danny J. Boggs, Circuit Judge, Martha C. Daughtrey, Authoring Judge. (jc)

7/23/03 JUDGMENT : VACATED and remanded . (jc)

8/6/03 PETITION for en banc rehearing filed by Susan L. Saltzstein for Appellees Michel Rapoport, William A. Marquard, Thomas R. Wall, Robert A. Young. Certificate of service date 8/5/03. [01-4254] (blh)

2/9/05 Appellant MOTION filed for leave to file a response to appellees' petition for rehearing en banc [3107225-1]. Motion filed by Robert A. Steinberg and Richard S. Wayne for Appellants James R. Husvar, Sidney B. Gutzwiller, Robert V. Caruso, Ronald W. Barnett. Certificate of service date 2/9/05 [01-4254] (blh)

8/23/05 Appellant MOTION filed to issue mandate. . Motion filed by Robert A. Steinberg for Appellant James R. Husvar, Appellant Sidney B. Gutzwiller, Appellant Robert V. Caruso, Appellant Ronald W. Barnett. Certificate of service date 8/23/05 [01-4254] (jc)

10/3/05 AMENDED OPINION filed that the judgment of the district court is REVERSED, the district court's order denying the plaintiffs' motion to remand is VACATED, and the case is REMANDED to the district court with instructions to remand the matter to the state court. Danny J. Boggs, Chief Circuit Judge, Ralph B. Guy, Circuit Judge, Martha C. Daughtrey, Authoring Circuit Judge [01-4254] (nb)

10/3/05 LETTER SENT by blh to Robert A. Steinberg for Appellants James R. Husvar, Sidney B. Gutzwiller, Robert V. Caruso, Ronald W. Barnett, Robert E. Zimet and Susan L. Saltzstein for Appellees Michel Rapoport, William A. Marquard, Thomas R. Wall, Robert A. Young notifying that counsel for appellees is asked to advise the court whether petition for rehearing is to be withdrawn. Response due by 10/17/05. If it is not, the appellees will have until that date to file a memorandum of law supplementing their original petition. Should the appellants wish to seek en banc reconsideration, their petition is due by 10/17/05. [01-4254] . . (blh)

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10/19/2005 10:56:01			
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